THE BOMBAY COASTING-VESSELS ACT, 1838.

CONTENTS.

SECTIONS.

1. [*Repealed.*]

2. Rules as to coasting and other vessels belonging to Queen's subjects.

3. Marking or branding vessels with name of place and number.
Owner to paint name and number.

4. Registry of name, number and burthen.
Registry by whom to be made.
Fresh registration.

5. Owners to apply for registry.
Information of registry at subordinate port.

6. Officers to perform duty of marking and branding.

7. Owner to obtain certificate of registry.
Replacing lost certificate.

8. Sealing certificate.

9. [*Repealed.*]

10. Fees for certificates.

11 Fees to be credited to Central Government.

12. Production of certificate on demand.

13. Penalty for neglect to comply with rules.
Recovery of penalties.
Penalty on repetition of default.

14. Power to direct compensation for trouble in seizing.

15. [*Repealed.*]

SCHEDULE.

ACT No. XIX OF 1838.[1]

[THE BOMBAY COASTING-VESSELS ACT, 1838.]

[*27th August 1838.*]

Repealed in part, by Acts 14 of 1870 ; 16 of 1874 ; 12 of 1876.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

1. [*Repeal of enactments.*] *Rep. Act XIV of 1870.*

2. [2]* * * * * * The following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the [3][Province] of Bombay, and employed on the coasts of the [3][said Province] or in trading coast-wise, as also with respect to fishing-vessels and harbour-craft belonging to any of the same Her Majesty's subjects. Rules as to coasting and other vessels belonging to Queen's subjects.

3. [2]* * * * * * Every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorised to make such registry as is hereinafter mentioned ; Marking or branding vessels with name of place and number.

and the owner or owners of such vessel employed as aforesaid, fishing-vessel and harbour-craft shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing-vessel and harbour-craft, in English figures and letters, each figure and letter being six inches in length. Owner to paint name and number.

4. [4]* * * * * * The name and number of every such vessel employed as aforesaid, fishing-vessel and harbour-craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry. Registry of name, number and burthen.

At Bombay such registry shall be made by the Master-Attendant, and at other places within the said [5][Province] by the Collector of Sea-Customs at such places respectively, or by such other person as shall be appointed by the [6][Central Registry by whom to be made.

[1] This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, *i.e.*, the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

The short title was given by Bom. 2 of 1921.

[2] The words and figures " And it is hereby enacted, that from the said first day of November, 1838 " and the words " And it is hereby enacted, that " were repealed by the Repealing Act, 1874 (16 of 1874).

[3] The words " Province " and " said Province " were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[4] The words " And it is hereby enacted, that " were repealed by the Repealing Act, 1874 (16 of 1874).

[5] This word was substituted for the original word by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[6] The words " Central Government " were substituted for the words " Government of Bombay " by the Adaptation of Indian Laws Order in Council.

Fresh registration.

Government] to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing-vessel or harbour-craft, or in the name or names of the owner or owners thereof, such registry shall be made again:

Provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing-vessel or harbour-craft, other than that by which she was first registered.

Owners to apply for registry.

5. [1]* * * * The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid.

Information of registry at subordinate port.

And whenever such vessel employed as aforesaid, fishing-vessel or harbour-craft is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master-Attendant at Bombay.

Officers to perform duty of marking and branding.

6. [1]* * * * * The duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft, at Bombay, shall be performed by the Master-Attendant; and at all other places within the [2][Province] of Bombay, the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft shall be performed by the Collector of Sea-Customs at such places respectively, or by such other persons as shall be appointed by the [3][Central Government] to act at such places respectively, in the execution of this Act.

Owner to obtain certificate of registry.

Replacing lost certificate.

7. [1]* * * * * The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply for and obtain a certificate of registry from the person authorised to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

Sealing certificate.

8. [1]* * * * * Such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorised to make such registry.

9. [*Dates for commencement of certificate and registration.*] *Rep. Act XII of 1876.*

Fees for certificates.

10. [1]* * * * * The owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted), on being registered as aforesaid, shall pay—

for each certificate of registry for a vessel not exceeding 20 Bombay khandis burthen, the fee of	1	rupee.
for each certificate for a vessel exceeding 20 such khandis burthen, and not exceeding 100 khandis burthen ..	5	rupees.
for each certificate for a vessel exceeding 100 such khandis burthen and not exceeding 400 khandis burthen ..	7	rupees.
and for each certificate for a vessel of 100 tons or greater burthern, per ton	2	annas.

[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] This word was substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[3] The words "Central Government" were substituted for the words "Government of Bombay" by the Adaptation of Indian Laws Order in Council.

11. [1]* * * * * The person or persons so authorized to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as [2][the Central Government] shall appoint; the same to be carried to the credit of [3][the Central Government]. Fees to be credited to Central Government.

[4]Provided that any such fees as immediately before the commencement of Part III of the Government of India Act, 1935, were under this Act as then in force to be carried to the credit of the local Government shall be paid to such officer as the Provincial Government may appoint and be carried to the credit of that Government.

12. [1]* * * * * The owner or owners or commander of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall produce, on demand thereof, by any officer of the Customs within the said [Province] or by any officer of the [6]* Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid fishing-vessel or harbour-craft, as abovementioned. Production of certificate on demand.

13. [1]* * * * * * In case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so marked or branded in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing-vessel or harbour-craft, in all respects as hereinbefore directed; Penalty for neglect to comply with rules.

or in case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not produce such certificate on demand thereof as hereinbefore directed;

the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing-vessel or harbour-craft shall be subject to a fine of ten rupees;

which fines may be recovered on conviction before any Magistrate [7]* * * * * having jurisdiction within the said [5][Province] by sale of such vessel, fishing-vessel or harbour-craft, her furniture, ammunition, tackle and apparel; Recovery of penalties.

---

[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] The words "the Central Government" were substituted for the words "the Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Central Government" were substituted for the words "the Government of Bombay", *ibid.*

[4] This proviso was inserted, *ibid.*

[5] This word was substituted for the original word by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[6] The word "Indian" was repealed by the Repealing Act, 1876 (12 of 1876).

[7] The words "Justice of the Peace, or person exercising the powers of a Magistrate" were repealed, *ibid.*

Penalty on repetition of default.

and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall make such default as aforesaid: Provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

Power to direct compensation for trouble in seizing.

[1]* * * * * The [2][Central Government] may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing-vessel or harbour-craft, guns, furniture, tackle, ammunition and apparel, as last mentioned, to be made, out of the proceeds of such seizure to the person or persons who shall have seized the same, to such amount, in such manner and in such shares or proportions, as to the said [2][Central Government] shall seem meet.

15. [*Port-clearance.*] *Rep. Act XII of 1876.*

SCHEDULE.

This is to certify that (*here insert the names, occupation and residence of the owners*) having declared that (he *or* they) are sole owner or owners of the vessel (fishing-vessel *or* harbour-craft) called (*the name*) which is of the burthen of (*number of Bombay khandis*) and that the said vessel (fishing-vessel *or* harbour-craft) was (*where and when built*), the said vessel (fishing-vessel *or* harbour-craft) has been duly registered at the port of (*name of port*).

Certified under my hand.

(*Signature of Officer.*)

---

[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] The words "Central Government" were substituted for the words "Governor of Bombay in Council" and "Governor in Council" by the Adaptation of Indian Laws Order in Council.